

EVARISTO AGUINALDO, M.D.
CEDRIC LYN JOHNSON vs EVARISTO AGUINALDO

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<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF ILLINOIS 3 EASTERN DIVISION</p> <p>4 CEDRIC LYN JOHNSON,) 5) 6 Plaintiff,) 7) 8 vs.) No. 15 CV 885 9) 10 EVARISTO AGUINALDO,) 11) 12 Defendant.)</p> <p>13 The Deposition of 14 EVARISTO AGUINALDO, M.D., taken before 15 RENEE C. KERR, Certified Shorthand Reporter, 16 in the State of Illinois, County of Cook, at 17 Stateville Correctional Center, 16830 Broadway 18 Street, Joliet, Illinois, on the 11th day of 19 July, A.D., 2017, at 1 o'clock p.m.</p> <p>20 Reported By: Renee C. Kerr 21 License Number: 084-001508 22 23 24</p>	<p>1 INDEX</p> <p>2 Examination of EVARISTO AGUINALDO, M.D.</p> <p>3 By Mr. Trubac Page 6 4 By Mr. Koppenhoefer Page 68 5 By Mr. Trubac Page 83</p> <p>6 EXHIBITS</p> <p>7 Exhibit 1 Page 24 8 Exhibit 2 Page 38 9 Exhibit 3 Page 48 10 Exhibit 4 Page 59 11 Exhibit 5 Page 65</p> <p>12 13 14 15 16 17 18 19 20 21 22 23 24</p>
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<p>1 APPEARANCES: 2 BRYAN CAVE, 3 BY: MR. STEVEN G. TRUBAC, 4 161 North Clark Street 5 Chicago, Illinois 60601, 6 312.602.5000, 7 on behalf of the Plaintiff;</p> <p>8 CUNNINGHAM, MEYER & VEDRINE, PC, 9 BY: MR. JOEL M. KOPPENHOEFER, 10 One East Wacker Drive, Suite 2200, 11 Chicago, Illinois 60601, 12 312.578.0049, 13 14 on behalf of the Defendant. 15 16 17 18 19 20 21 22 23 24</p>	<p>1 (The witness was duly sworn.) 2 MR. TRUBAC: Good afternoon, Doctor. 3 Would you please state your name 4 for the record. 5 THE WITNESS: My name is Evaristo 6 Aguinaldo, Jr. 7 MR. TRUBAC: Let the record reflect 8 this is the deposition of Defendant, 9 Dr. Evaristo Aguinaldo, in Case Number 10 15 CV 885, Johnson v. Aguinaldo, currently 11 pending in the United States District Court in 12 the Northern District of Illinois, taken 13 pursuant to Notice and agreement of the 14 parties and pursuant to the Federal Rules of 15 Civil Procedure and all local rules. 16 Doctor, my name is Steve 17 Trubac. I am the counsel for the Plaintiff in 18 this matter. Dr. Aguinaldo -- am I 19 pronouncing that correctly? 20 THE WITNESS: Aguinaldo, or 21 whatever. 22 MR. TRUBAC: (Continuing) -- have you 23 ever had your deposition taken before? 24 THE WITNESS: Yes, sir.</p>

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<p style="text-align: right;">Page 5</p> <p>1 MR. TRUBAC: When was the last time?</p> <p>2 THE WITNESS: The last time? I don't</p> <p>3 know. Several years ago.</p> <p>4 MR. TRUBAC: How many times have you</p> <p>5 had your deposition taken?</p> <p>6 THE WITNESS: Five, ten, 15 times.</p> <p>7 MR. TRUBAC: And what types of cases</p> <p>8 were they?</p> <p>9 Were you a Defendant in them?</p> <p>10 THE WITNESS: I don't recall. I</p> <p>11 don't recall the situation.</p> <p>12 MR. TRUBAC: So because it has been a</p> <p>13 few years, I am going to go over the basics</p> <p>14 again very quickly.</p> <p>15 I will ask you a series of</p> <p>16 questions and ask you about some documents</p> <p>17 that I brought with me. It is very important</p> <p>18 that you allow me to finish my questions</p> <p>19 before you answer so that the court reporter</p> <p>20 can get everything down and so your counsel</p> <p>21 can object to something if he wants to.</p> <p>22 If you don't understand a</p> <p>23 question, please let me know; and, I will</p> <p>24 rephrase it. Otherwise, I will assume that</p>	<p style="text-align: right;">Page 7</p> <p>1 A What?</p> <p>2 Q Have you read the Complaint in this</p> <p>3 lawsuit?</p> <p>4 A Yes. I've read the Complaint.</p> <p>5 Q Are you aware of the allegations that</p> <p>6 are being made against you?</p> <p>7 A Yes.</p> <p>8 Q So you are familiar with the</p> <p>9 Complaint?</p> <p>10 A Right.</p> <p>11 Q Did you speak with anyone other than</p> <p>12 your attorney in preparing for this</p> <p>13 deposition?</p> <p>14 A No.</p> <p>15 Q Did you review any documents in</p> <p>16 preparing for this deposition?</p> <p>17 A I did read documents.</p> <p>18 Q And which documents did you review</p> <p>19 without getting into --</p> <p>20 A Pertaining to this case.</p> <p>21 Q Medical records?</p> <p>22 A Right.</p> <p>23 Q Pertaining to the Plaintiff,</p> <p>24 Mr. Johnson?</p>
<p style="text-align: right;">Page 6</p> <p>1 you understood the question and answered</p> <p>2 accordingly.</p> <p>3 If you need a break, let me</p> <p>4 know, and we will take a five minute break.</p> <p>5 Finally, your testimony today is</p> <p>6 under oath so it has the same force and effect</p> <p>7 as if you were testifying in court.</p> <p>8 THE WITNESS: Correct.</p> <p>9 EVARISTO AGUINALDO, M.D.,</p> <p>10 called as a witness herein, having been first</p> <p>11 duly sworn, was examined and testified as</p> <p>12 follows:</p> <p>13 E X A M I N A T I O N</p> <p>14 BY MR. TRUBAC:</p> <p>15 Q Dr. Aguinaldo, is there any</p> <p>16 medication or health condition that would</p> <p>17 impair your ability to understand my questions</p> <p>18 or have your deposition taken today?</p> <p>19 A No.</p> <p>20 Q Are you familiar with the lawsuit</p> <p>21 that brings us here today?</p> <p>22 A I think so.</p> <p>23 Q Johnson v. Aguinaldo.</p> <p>24 Have you read the Complaint?</p>	<p style="text-align: right;">Page 8</p> <p>1 A Correct.</p> <p>2 Q So before we get into the allegations</p> <p>3 of the Complaint, I just want to ask you some</p> <p>4 background questions.</p> <p>5 Doctor, where were you born?</p> <p>6 A Where was I born?</p> <p>7 Q Yes.</p> <p>8 A Philippines.</p> <p>9 Q How long did you live there before</p> <p>10 moving to the United States?</p> <p>11 A Probably about 30 years.</p> <p>12 Q When did you move to the United</p> <p>13 States?</p> <p>14 A 1975, '75 or '74.</p> <p>15 Q So you have a medical degree,</p> <p>16 correct?</p> <p>17 A From the Philippines.</p> <p>18 Q Where did you go to medical school?</p> <p>19 A In Manila, Central University.</p> <p>20 Q When did you graduate?</p> <p>21 A 1972.</p> <p>22 Q And you graduated with a degree --</p> <p>23 what degree did you get?</p> <p>24 A Doctor of Medicine.</p>

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<p style="text-align: right;">Page 9</p> <p>1 Q Where did you do your residency?</p> <p>2 A In the Philippines, 1972, Manila</p> <p>3 Medical Center; and, here in the states from</p> <p>4 1976 to 1979 in Norwegian American Hospital in</p> <p>5 Chicago, Illinois.</p> <p>6 Q Have you been practicing medicine</p> <p>7 since you came out of residency?</p> <p>8 A Yes, sir.</p> <p>9 Q And in what general area?</p> <p>10 A Mostly general practice on the south</p> <p>11 side of Chicago.</p> <p>12 Q South side of Chicago?</p> <p>13 A Correct.</p> <p>14 Q Are you Board certified in any areas</p> <p>15 of medicine?</p> <p>16 A No, sir.</p> <p>17 Q What did you do your residency in;</p> <p>18 what area of medicine?</p> <p>19 A General practice.</p> <p>20 Q Both in the Philippines and United</p> <p>21 States?</p> <p>22 A Yes.</p> <p>23 Q So you mentioned that you -- do you</p> <p>24 have a practice, a private practice on the</p>	<p style="text-align: right;">Page 11</p> <p>1 for Wexford?</p> <p>2 A Right. But between that there was</p> <p>3 another contractor, between 1970 and '75,</p> <p>4 another company that take care of the prison.</p> <p>5 MR. KOPPENHOEFER: Steve, I think he</p> <p>6 is thinking about their contract with the</p> <p>7 State and his own.</p> <p>8 BY MR. TRUBAC:</p> <p>9 Q Oh, okay. Let me clarify the</p> <p>10 question.</p> <p>11 I know Wexford has a contract</p> <p>12 with Illinois to provide services. Do you</p> <p>13 personally have a contract with Wexford, like</p> <p>14 an employment contract?</p> <p>15 A Yes, sir. There is.</p> <p>16 MR. KOPPENHOEFER: You mean a written</p> <p>17 contract?</p> <p>18 THE WITNESS: We signed a contract</p> <p>19 with Wexford.</p> <p>20 MR. KOPPENHOEFER: You did?</p> <p>21 THE WITNESS: Yes.</p> <p>22 MR. KOPPENHOEFER: Sorry.</p> <p>23 BY MR. TRUBAC:</p> <p>24 Q What are you contracted to do for</p>
<p style="text-align: right;">Page 10</p> <p>1 south side of Chicago?</p> <p>2 A Yes, sir, from 1979 to 1980 to 2000,</p> <p>3 2001.</p> <p>4 Q And that was just general practice?</p> <p>5 A General practice.</p> <p>6 Q Who is your current employer?</p> <p>7 A 69th and Wentworth.</p> <p>8 Q I'm sorry. Who is your employer?</p> <p>9 Who do you work for?</p> <p>10 A When I was in private practice?</p> <p>11 Q Right now.</p> <p>12 A Wexford.</p> <p>13 Q Wexford Health Sources?</p> <p>14 A Right. Wexford.</p> <p>15 Q And do you have a contract with</p> <p>16 Wexford?</p> <p>17 A Yes. There is a contract.</p> <p>18 Q How long have you worked for Wexford?</p> <p>19 A I think we started like about 19 --</p> <p>20 either '74 or '75.</p> <p>21 Q You started working for Wexford?</p> <p>22 A Correct.</p> <p>23 Q So there was an overlap where you had</p> <p>24 a private practice and you were also working</p>	<p style="text-align: right;">Page 12</p> <p>1 Wexford?</p> <p>2 A I don't remember specifically what</p> <p>3 the contract was.</p> <p>4 Q What do you do generally for Wexford?</p> <p>5 A It is like a general practice. It is</p> <p>6 seeing and treating patients and prescribing</p> <p>7 medication.</p> <p>8 Q Is that just in Illinois prisons; or,</p> <p>9 is it also in other areas?</p> <p>10 A Just in Illinois.</p> <p>11 Q So do you currently practice just at</p> <p>12 Stateville; or, are there other prisons that</p> <p>13 you go --</p> <p>14 A I go once in a while to DuPage County</p> <p>15 Jail like every Wednesday, three or four times</p> <p>16 a month.</p> <p>17 Q But, otherwise, you are here?</p> <p>18 A Otherwise, I am here.</p> <p>19 Q What are your general hours?</p> <p>20 A At Stateville?</p> <p>21 Q Yes.</p> <p>22 A 8 to 4.</p> <p>23 Q So I think I understand that you</p> <p>24 currently work out of Stateville, correct?</p>

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<p style="text-align: right;">Page 13</p> <p>1 A Correct.</p> <p>2 Q You worked at Stateville NRC previous</p> <p>3 to this, I believe, correct?</p> <p>4 A Yes, I did.</p> <p>5 Q When was that?</p> <p>6 A I think 2008 until last year.</p> <p>7 Q Why did you move?</p> <p>8 A I don't know. It is up to them.</p> <p>9 They can move us anytime they want.</p> <p>10 Q Where did you work before Stateville</p> <p>11 NRC?</p> <p>12 A Here. Stateville proper. Here.</p> <p>13 Q So how long have you worked at</p> <p>14 Stateville whatever you might call it?</p> <p>15 A Probably from 2004, 2005 to the</p> <p>16 present time?</p> <p>17 Q Where did you work before that?</p> <p>18 A I was still in Stateville, but</p> <p>19 different company at that time. I think it</p> <p>20 was about three companies before it was</p> <p>21 Wexford.</p> <p>22 Q So am I correct that you are</p> <p>23 essentially a general practitioner for inmates</p> <p>24 at Stateville?</p>	<p style="text-align: right;">Page 15</p> <p>1 A Here right now?</p> <p>2 Q Yeah.</p> <p>3 A It is basically probably about 20, 25</p> <p>4 a day.</p> <p>5 Q And are those usually initial like</p> <p>6 intake visits, or follow-up visits, or are</p> <p>7 they a combination of the two?</p> <p>8 A Are you talking about here now; or,</p> <p>9 on the other side at NRC?</p> <p>10 Q Here right now.</p> <p>11 A Usually, follow-up visits.</p> <p>12 Q Just for follow-up visits?</p> <p>13 A Some follow-up visits. Some also</p> <p>14 sick call.</p> <p>15 Q Sick calls?</p> <p>16 A Right.</p> <p>17 Q And what about in 2014 when you were</p> <p>18 in NRC?</p> <p>19 A It was usually mostly intake.</p> <p>20 Q Mostly intake?</p> <p>21 A Yes.</p> <p>22 Q Would you do any follow-up visits at</p> <p>23 NRC?</p> <p>24 A Correct.</p>
<p style="text-align: right;">Page 14</p> <p>1 A Correct.</p> <p>2 Q Do you only examine inmates; or, do</p> <p>3 you also examine staff members maybe?</p> <p>4 A Inmates most of the time.</p> <p>5 Q Is there a medical facility in</p> <p>6 Stateville that you will actually examine</p> <p>7 patients in, or do you actually --</p> <p>8 A There is a healthcare unit over</p> <p>9 there.</p> <p>10 Q And is that healthcare unit both for</p> <p>11 Stateville proper and NRC?</p> <p>12 A No. They have their own separate</p> <p>13 healthcare unit in NRC and Stateville proper.</p> <p>14 Q So the allegations in this Complaint</p> <p>15 are mainly in 2014.</p> <p>16 So in 2014, I understand that</p> <p>17 you were working at NRC, correct?</p> <p>18 A Correct.</p> <p>19 Q NRC had its own healthcare unit,</p> <p>20 correct, or has its own healthcare unit?</p> <p>21 A Correct.</p> <p>22 Q Dr. Aguinaldo, do you have just a</p> <p>23 general idea of how many patients a day you</p> <p>24 see these days here in Stateville?</p>	<p style="text-align: right;">Page 16</p> <p>1 Q You would?</p> <p>2 A Yes. We do follow-up and intake at</p> <p>3 NRC.</p> <p>4 Q So you do follow-up and intake visits</p> <p>5 at NRC?</p> <p>6 A Right.</p> <p>7 Q So you said currently you see maybe</p> <p>8 about 20, 25 patients a day, something like</p> <p>9 that?</p> <p>10 A NRC?</p> <p>11 Q No, today.</p> <p>12 A Something like that. Probably 15 to</p> <p>13 25. Let's put it that way.</p> <p>14 Q What about in 2014? Was there a</p> <p>15 different number because it was a different</p> <p>16 facility?</p> <p>17 A It was probably more or less the</p> <p>18 same; but, probably -- more or less the same.</p> <p>19 Q More or less the same, okay.</p> <p>20 So I want to get into your</p> <p>21 experience at NRC in 2014. So, basically, all</p> <p>22 of my questions from here on in are going to</p> <p>23 be about your practice as a general</p> <p>24 practitioner at NRC in 2014, 2015.</p>

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<p style="text-align: right;">Page 17</p> <p>1 Do you understand?</p> <p>2 A Right. I understand.</p> <p>3 Q Great. Excellent.</p> <p>4 In your experience when you were</p> <p>5 working at NRC, did all inmates who requested</p> <p>6 or required medical attention, were they seen</p> <p>7 by a medical doctor?</p> <p>8 A Yes.</p> <p>9 Q And by that -- I just want to make</p> <p>10 sure I am clear -- a medical doctor as opposed</p> <p>11 to like a registered nurse, or physician's</p> <p>12 assistant, or something like that.</p> <p>13 A Yes. They have to be seen by a</p> <p>14 medical doctor.</p> <p>15 Q They have to be seen by a medical</p> <p>16 doctor?</p> <p>17 A Correct.</p> <p>18 Q Is that a regulation by the State, or</p> <p>19 a Wexford regulation?</p> <p>20 A I don't understand.</p> <p>21 Q I will rephrase it.</p> <p>22 Why are inmates required to see</p> <p>23 a medical doctor? Is there a certain -- is</p> <p>24 there a certain regulation that requires you</p>	<p style="text-align: right;">Page 19</p> <p>1 Q Yes?</p> <p>2 A Yes.</p> <p>3 Q Are they all -- are all inmates who</p> <p>4 go to the healthcare unit originally seen</p> <p>5 by -- first seen by a medical doctor; or, is</p> <p>6 there like a screening process?</p> <p>7 A There is a screening process when</p> <p>8 they come from the county jail. They screen</p> <p>9 them out.</p> <p>10 Q I'm sorry. Let's move past the</p> <p>11 original intake.</p> <p>12 So say an inmate has a medical</p> <p>13 condition, and say they got into a fight, and</p> <p>14 they need stitches or something. They go to</p> <p>15 the healthcare unit.</p> <p>16 A If there is a fight you said?</p> <p>17 Q Sure. Let's assume there is a fight,</p> <p>18 and it looks like they need stitches. They go</p> <p>19 to the healthcare unit.</p> <p>20 Is there a screening process</p> <p>21 there where maybe first they are seen by a</p> <p>22 registered nurse or physician's assistant</p> <p>23 before being seen by a medical doctor?</p> <p>24 A The first responder would be a med</p>
<p style="text-align: right;">Page 18</p> <p>1 to do that?</p> <p>2 A Well, when they come to intake,</p> <p>3 everybody has to be seen.</p> <p>4 Q When you say intake, are you talking</p> <p>5 about when they first come into the prison, or</p> <p>6 when they have a medical condition, and they</p> <p>7 come in for a visit?</p> <p>8 A When they first come from the county</p> <p>9 jail, they come for intake, they come for</p> <p>10 screening.</p> <p>11 Q I think I may be using a term</p> <p>12 incorrectly before. I'm sorry.</p> <p>13 So by intake, you mean when they</p> <p>14 come into the prison and have their original</p> <p>15 physical exam, if you will?</p> <p>16 A Correct.</p> <p>17 Q What about when an inmate is already</p> <p>18 in Stateville at NRC, they have already had</p> <p>19 their intake, and then they get into a fight,</p> <p>20 or they have some medical condition and they</p> <p>21 need medical attention. Are all inmates who</p> <p>22 go to the NRC healthcare unit, are they all</p> <p>23 seen by a medical doctor?</p> <p>24 A Correct.</p>	<p style="text-align: right;">Page 20</p> <p>1 tech and the nurses, and they bring them to</p> <p>2 the healthcare unit.</p> <p>3 Q So the registered nurse or</p> <p>4 physician's assistant will respond initially;</p> <p>5 and, then --</p> <p>6 A They will see the med tech first or</p> <p>7 the nurses. Then they bring them to the</p> <p>8 healthcare unit.</p> <p>9 Q When they are brought to the</p> <p>10 healthcare unit, is that when a medical doctor</p> <p>11 will examine them?</p> <p>12 A Yes. That is when they examine them,</p> <p>13 when they bring them to the healthcare unit.</p> <p>14 Q Dr. Aguinaldo, how many medical</p> <p>15 doctors, if you remember, were there at NRC in</p> <p>16 July of 2014?</p> <p>17 A Including medical director?</p> <p>18 Q No. Just medical doctors. Someone</p> <p>19 with a degree like you.</p> <p>20 A Around two. Including me, two, or</p> <p>21 three sometimes. Because I am the full time</p> <p>22 over the nurses at the time, and there is a</p> <p>23 part-timer, and I don't know whether we have</p> <p>24 other contractors at that time.</p>

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<p style="text-align: right;">Page 21</p> <p>1 Q So you were a full-time physician at 2 NRC, and there may have been a few other 3 part-time medical doctors? 4 A Correct. 5 Q Would you overlap in your shifts 6 sometimes; or, you know, when you were 7 working, you were the only medical doctor 8 there, and then there was a part-time worker 9 who was there? 10 Do you understand my question? 11 A No. I don't understand your 12 question. 13 Q So you said you were full time at 14 NRC, and there were a few part-time 15 physicians. 16 When you were doing your shift, 17 were you the only medical doctor on call, or 18 were there other medical doctors there as 19 well? 20 A When you said on call, it is the 21 medical director that gets the call. 22 Q Okay. 23 So when you -- during your 24 shifts -- because you said you worked from</p>	<p style="text-align: right;">Page 23</p> <p>1 Q So if an inmate has a condition that 2 is already known about, then you will see them 3 for intake? 4 A Right. We see them if they have 5 medical issue. We see them at intake. 6 Q What if someone doesn't have a 7 medical issue? 8 A If they don't have a medical issue, 9 then we will see them at another time for 10 physical examination. 11 Q Are you familiar with an Illinois 12 Department of Corrections form called an 13 offender injury report? 14 A I'm not really familiar with it, but 15 I have seen it before. 16 MR. TRUBAC: You have seen it 17 before. Okay. 18 I am going to hand you a 19 document that was produced to us by your 20 counsel. I would like to mark it as 21 Exhibit 1. 22 I would like you to review this 23 document and then let me know when you have 24 reviewed it. It is three pages, I believe.</p>
<p style="text-align: right;">Page 22</p> <p>1 8 to 4, correct? 2 A Correct. 3 Q Is that true also when you were at 4 NRC? 5 A Correct, yes. 6 Q So from 8 to 4, were you generally 7 the only medical doctor who was at the 8 healthcare unit at NRC? 9 A Generally. Some part-times come on 10 different days. 11 Q So let's actually go back to -- let's 12 go back to the general intake, which -- when 13 an inmate may be transferred to Stateville or 14 needs a general intake. 15 Do you perform those initial 16 physical examinations? 17 A Only if they have medical problem 18 that has medical issue when they go to 19 intake. 20 If they come with high blood 21 pressure, or anything like that, then there is 22 other guy who has to see them at intake so we 23 can prescribe medication. Otherwise, we 24 don't. They come in at another time.</p>	<p style="text-align: right;">Page 24</p> <p>1 (Document marked Exhibit 1 2 for Identification.) 3 BY MR. TRUBAC: 4 Q Dr. Aguinaldo, do you recognize this 5 document now that you have had a chance to 6 review it? 7 A Right. I recognize this one. 8 Q So when I was previously talking 9 about an offender injury report, this is the 10 type of form I was talking about. So you do 11 recognize this type of form? 12 A Correct. 13 Q How often do you see these? 14 A Depends. If there is some kind of 15 injuries like that, then we see them. 16 Q What are these used for? 17 A These injury reports are made by the 18 med tech or the nurses. 19 Q And what is a -- like medical 20 technician? 21 A Medical technician, right. 22 Q So is this something where the nurses 23 or the med tech would respond to an incident 24 or something and they would write this out?</p>

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<p style="text-align: right;">Page 25</p> <p>1 A Correct.</p> <p>2 Q What happens after they write this</p> <p>3 out? What happens next?</p> <p>4 A Well, they tell us that there is some</p> <p>5 guy that is injured, so they tell us we have</p> <p>6 to summon them. When they make an injury</p> <p>7 report, they talk to us sometimes. It's not</p> <p>8 most of the time. Sometimes. Sometimes we</p> <p>9 have to see this guy because sometimes they</p> <p>10 make their own decision that they don't need</p> <p>11 to be seen by doctor. They can be seen the</p> <p>12 following day.</p> <p>13 Q So the nurse, or the med tech, or</p> <p>14 the -- do physician assistants ever fill these</p> <p>15 out?</p> <p>16 A What do you mean?</p> <p>17 Q So you mentioned that nurses may fill</p> <p>18 out these forms?</p> <p>19 A Either the nurses or med techs.</p> <p>20 Q Are you familiar with physician</p> <p>21 assistants?</p> <p>22 A There are physicians assistants here,</p> <p>23 too.</p> <p>24 Q And they may fill out these forms as</p>	<p style="text-align: right;">Page 27</p> <p>1 Q Is that because most of the time the</p> <p>2 nurse or med tech doesn't say that follow-up</p> <p>3 with the medical doctor is required?</p> <p>4 A Probably.</p> <p>5 Q But if they do say that a follow-up</p> <p>6 with a medical doctor is required, then you or</p> <p>7 one of the other medical doctors at the</p> <p>8 healthcare unit would see this document,</p> <p>9 correct?</p> <p>10 A Correct.</p> <p>11 Q So let's go to the second page of the</p> <p>12 document.</p> <p>13 It looks like this document was</p> <p>14 signed by Marian Andrews who is a registered</p> <p>15 nurse.</p> <p>16 Do you know Marian Andrews?</p> <p>17 A I don't remember her before.</p> <p>18 Q And so this document is dated</p> <p>19 March 10, 2014.</p> <p>20 Under P, in the middle of the</p> <p>21 page, you see where it says treatment and</p> <p>22 follow-up?</p> <p>23 A Yes.</p> <p>24 Q Am I correct in understanding that</p>
<p style="text-align: right;">Page 26</p> <p>1 well?</p> <p>2 A Normally, no.</p> <p>3 Q So either the nurse or med tech would</p> <p>4 then do an initial evaluation; and, they would</p> <p>5 make the determination of whether or not the</p> <p>6 inmate needed to be seen by the medical doctor</p> <p>7 immediately; is that correct?</p> <p>8 A Yes.</p> <p>9 Q Can you turn to the second page of</p> <p>10 this document.</p> <p>11 Actually, let me ask you a</p> <p>12 question.</p> <p>13 I know this was a number of</p> <p>14 years ago, but do you remember in 2014</p> <p>15 reviewing this document?</p> <p>16 A No. I don't remember.</p> <p>17 Q About how many of these do you think</p> <p>18 you have seen maybe per week of these</p> <p>19 documents?</p> <p>20 A Per week, very seldom.</p> <p>21 Q Seldom?</p> <p>22 A Very seldom.</p> <p>23 Not a couple a week. Maybe a</p> <p>24 couple a month.</p>	<p style="text-align: right;">Page 28</p> <p>1 that means follow-up with M.D.?</p> <p>2 A Yes.</p> <p>3 Q So F slash U means follow-up?</p> <p>4 A Yes.</p> <p>5 Q And M.D. means medical doctor?</p> <p>6 A Right.</p> <p>7 Q Now on the bottom of the page there</p> <p>8 is a section that says to be completed by</p> <p>9 physician.</p> <p>10 Do you see that?</p> <p>11 A Yes, sir.</p> <p>12 Q And what exactly is this portion</p> <p>13 right here?</p> <p>14 A This is just like a form whenever</p> <p>15 somebody is injured. So it is up to them to</p> <p>16 see whether we see them immediately, or have</p> <p>17 them appear in sick call. So at this time,</p> <p>18 when -- probably at this time, I really don't</p> <p>19 recall this thing that either he made first,</p> <p>20 or I see him first at the healthcare unit.</p> <p>21 Q Okay. So let me make sure I</p> <p>22 understand.</p> <p>23 First of all, is that your</p> <p>24 signature on the bottom of the page?</p>

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<p style="text-align: right;">Page 29</p> <p>1 A Yes.</p> <p>2 Q And is that dated March 10, 2014?</p> <p>3 A Correct.</p> <p>4 Q That is the same date as the document</p> <p>5 that was signed by Marian Andrews?</p> <p>6 A Correct.</p> <p>7 Q So this says, I have reviewed this</p> <p>8 report and would like to see this offender</p> <p>9 immediately, correct?</p> <p>10 A Correct.</p> <p>11 Q The immediately box is checked?</p> <p>12 A Correct.</p> <p>13 Q Did you check that box? Do you</p> <p>14 recall?</p> <p>15 A I don't recall.</p> <p>16 Q Are you formally the one who would</p> <p>17 review these reports and then look at the</p> <p>18 bottom of the page and make a determination of</p> <p>19 which box to check?</p> <p>20 MR. KOPPENHOEFER: You mean a report</p> <p>21 that he signed off on, or all the reports?</p> <p>22 BY MR. TRUBAC:</p> <p>23 Q So, specifically, for this type of</p> <p>24 report, when a registered nurse maybe says --</p>	<p style="text-align: right;">Page 31</p> <p>1 these boxes, correct?</p> <p>2 A Correct.</p> <p>3 Q So when it says, I would like to see</p> <p>4 this offender immediately, is that just</p> <p>5 generally because the registered nurse has</p> <p>6 said that follow-up needs to be done by an</p> <p>7 M.D.?</p> <p>8 A Not really.</p> <p>9 As I said, again, no matter when</p> <p>10 they bring us the inmate, when there is a</p> <p>11 fight, I don't see a report like this. They</p> <p>12 put them in the healthcare unit and we summon</p> <p>13 them. So I don't know if it was before or</p> <p>14 after I sign it, but I signed this one.</p> <p>15 Q So you may not even see this report</p> <p>16 until after you have examined the inmate?</p> <p>17 A Possible.</p> <p>18 Q If you didn't see a report like this,</p> <p>19 which has subjective findings and objective</p> <p>20 findings at the top, which looks to be the</p> <p>21 initial report of the registered nurse, where</p> <p>22 would you get your information as to what the</p> <p>23 issue was with the inmate or what needed to be</p> <p>24 done?</p>
<p style="text-align: right;">Page 30</p> <p>1 they come up with this report and they say the</p> <p>2 inmate needs a follow-up with an M.D., and</p> <p>3 then it goes to you, do you fill out the</p> <p>4 bottom of the form?</p> <p>5 A I really don't recall whether I sign</p> <p>6 it after I see him or before I see him. I</p> <p>7 don't recall; but, I recall I see inmate on</p> <p>8 that day, but I don't recall whether I was</p> <p>9 signing either before or after.</p> <p>10 Q Let's forget about this specific</p> <p>11 one.</p> <p>12 Generally speaking, when you see</p> <p>13 these, do you fill out the bottom of this form</p> <p>14 before you see the inmate?</p> <p>15 A Not necessarily because sometimes it</p> <p>16 depends.</p> <p>17 It is just like, as I said</p> <p>18 again, because it is up to them really.</p> <p>19 Q I'm sorry. Up to who?</p> <p>20 A Up to the nurses whether he has to be</p> <p>21 seen right away or appear in sick call.</p> <p>22 Q But, regardless, either before or</p> <p>23 after you have seen an inmate, at some point</p> <p>24 you would fill out this form and check one of</p>	<p style="text-align: right;">Page 32</p> <p>1 A Probably when I see this inmate in</p> <p>2 the healthcare unit. As I said, I don't</p> <p>3 recall before or after. I don't recall, but I</p> <p>4 see inmate over there.</p> <p>5 Q Who would tell you what the problem</p> <p>6 was?</p> <p>7 So an inmate comes to the</p> <p>8 healthcare unit, and --</p> <p>9 A Anybody. Med tech, nurse, like that;</p> <p>10 and, usually what they tell us is, Doctor, you</p> <p>11 forgot to sign the injury report.</p> <p>12 Q So it is probably the nurse or med</p> <p>13 tech who filled out this form who will then go</p> <p>14 with the inmate to the healthcare unit and</p> <p>15 then tell you what happened, why they think a</p> <p>16 follow-up is --</p> <p>17 A Sometimes. But not most of the</p> <p>18 time.</p> <p>19 As I said again, injury report</p> <p>20 is either you see them before or after you see</p> <p>21 the patient already. Then they will tell you,</p> <p>22 Doctor, you forget to sign the injury report.</p> <p>23 Q I am just trying to understand where</p> <p>24 you get your information as to why this</p>

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<p style="text-align: right;">Page 33</p> <p>1 particular inmate needs to be seen, what 2 happened, what medical issues there may be. 3 A Most of the time, as I said, they 4 bring the inmate to the healthcare unit, and 5 they tell you some kind of finding. Then you 6 go in, and they are waiting right there to see 7 you. 8 MR. KOPPENHOEFER: I think what he is 9 trying to tell you is he walks in the 10 examination room, and there is an inmate 11 waiting to see him. Somebody has put him in 12 there. 13 MR. TRUBAC: Is that accurate, 14 basically? 15 THE WITNESS: Yes. 16 BY MR. TRUBAC: 17 Q So it's possible you may go into the 18 examination room and you don't have any idea 19 what has happened until you talk to the 20 inmate? 21 A That's correct. 22 Q What if the inmate is unconscious or 23 something? 24 A Well, the nurses will see something</p>	<p style="text-align: right;">Page 35</p> <p>1 make the injury report. 2 Q So when you see an inmate going into 3 the examination room, do you ever -- is it 4 your general practice to review their medical 5 history before actually examining them? 6 A Sometimes. Because most of the time 7 they don't have the record when they bring to 8 us in healthcare unit. They don't have the 9 record. Sometimes. 10 Q The record maybe exists, but they 11 just didn't bring it with them? 12 A If they bring the record, you can see 13 it like that. Most of the time, just like 14 this case, most of the time they just bring 15 the inmate to the healthcare unit, and we just 16 see them already and talk to them what 17 happened, but we don't have the record 18 sometimes. Not most of the time. 19 It's not like in sick call where 20 there is a record there. 21 Q Okay. So my understanding would be 22 that because this is sort of like a -- not a 23 scheduled visit, you don't necessarily have 24 access to their full medical history; is that</p>
<p style="text-align: right;">Page 34</p> <p>1 sometimes. 2 Q And for my own knowledge, what is 3 this PRN at the bottom of the form? 4 A PRN means whenever they want to come; 5 or, there is no specific date that they come. 6 PRN is whenever they want to come. 7 MR. KOPPENHOEFER: It means as 8 needed. 9 THE WITNESS: As needed. 10 BY MR. TRUBAC: 11 Q So I think we have sort of exhausted 12 this document, but to sort of reiterate, at 13 some point you would sign off on these 14 documents, whether it is before you saw the 15 inmate, after you saw the inmate, you would 16 sign the bottom of this form, correct? 17 A At some point. 18 Q At some point? 19 A At some point. 20 Q And before you signed the form, would 21 you make sure you read the report in its 22 entirety, or would you just sign it? 23 A I'd just sign it because, as I said, 24 I must have seen already this patient before I</p>	<p style="text-align: right;">Page 36</p> <p>1 correct? 2 A That's correct. 3 Q Is there -- if you had access to the 4 medical history, would you make sure to review 5 it before examining the patient? 6 A Correct. 7 Q So if the registered nurse or med 8 tech brought the medical history with them, 9 you would review that before examining the 10 inmate? 11 A Correct. 12 Q Do you -- in cases where you don't 13 have access to the medical history when the 14 inmate is brought to you, do you review it 15 after you see the inmate or no? 16 A Sometimes we don't even have the 17 record. So we get the paper, and we just 18 write on a piece of paper like that. 19 Q So what I am asking is if you don't 20 have the medical history at the time of the 21 examination, after you have already seen the 22 inmate and you are writing up your notes, do 23 you then try to actually request the medical 24 history to review it or no?</p>

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<p style="text-align: right;">Page 37</p> <p>1 A If there is, or I could just ask the 2 patient himself. 3 Q So if you don't have access to the 4 medical history, do you always -- what sorts 5 of background questions do you make sure to 6 ask inmates? 7 A In this case, just like him at that 8 time, I know nothing about him. All I know is 9 the guy is fighting. So I go in the room to 10 examine him and ask him if he has any other 11 issues. 12 Q So you examine him, but do you ask 13 him if he has any medical conditions before 14 you examine him? 15 A Correct. If there are some kind of 16 allergies, something like that. 17 Q If someone had an injury to a 18 specific part of their body, say -- we will 19 use this example. 20 Say somebody was punched in the 21 head. Would you then ask if they had any 22 history of head trauma or other -- other 23 injuries to their head? 24 A Correct.</p>	<p style="text-align: right;">Page 39</p> <p>1 how when an inmate comes into Stateville and 2 they have a known medical condition, they 3 would be seen immediately for a physical 4 examination, is this the type of form that 5 would be filled out for those cases? 6 A Right. 7 Q And so it looks like -- first of all, 8 let me ask you this. 9 Did you fill out any of these 10 forms? Do you recognize your signature on any 11 of these forms? 12 A Yes. This is the form. 13 Q Are any of these signatures yours? 14 A This is my signature. 15 Q Bates labeled Johnson 00036? 16 A Yes. This has the intake already. 17 Q So this is your signature at the 18 bottom of this form? 19 A Right. 20 Q Okay. 21 And this is dated March 4, 2014; 22 is that correct? 23 A Correct. 24 Q And this is for Cedric Johnson who is</p>
<p style="text-align: right;">Page 38</p> <p>1 Q You would? 2 A I would. 3 Q And why is that? 4 A Just to be sure there is not another 5 injury like that. 6 Q To make sure that it may not be like 7 exacerbating or making worse the original 8 injury? 9 A Correct. 10 MR. TRUBAC: We will mark this as 11 Exhibit 2. 12 THE WITNESS: This is the intake 13 process. 14 BY MR. TRUBAC: 15 Q Did you have a chance to review all 16 these pages? 17 A No. 18 Q Just take a look at all three pages. 19 You don't need to read them in detail. 20 I think you were saying that 21 this is typically an intake form or pages 22 taken from a typical intake form? 23 A Correct. 24 Q So when we were talking before about</p>	<p style="text-align: right;">Page 40</p> <p>1 the Plaintiff in this action? 2 A Correct. 3 MR. TRUBAC: And just for the record, 4 Exhibit 1 was also an offender injury report 5 for Cedric Johnson dated March 10, 2014. 6 MR. KOPPENHOEFER: So let me just 7 sort of clarify. The first page of the 8 exhibit was prepared by a nurse. 9 MR. TRUBAC: Yes. 10 So these pages may not be 11 necessarily part of the same document. These 12 are forms we received, medical records for 13 inmate Cedric Johnson that were all dated the 14 same day. That's why they are stapled 15 together, but they are not necessarily all 16 from the same document. 17 As Counsel was saying, the first 18 page was signed by a registered nurse. The 19 second might be from a completely different 20 form. That's possible. 21 THE WITNESS: Yes. This is all 22 intake documents. 23 BY MR. TRUBAC: 24 Q Do you recognize the third page of</p>

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<p style="text-align: right;">Page 41</p> <p>1 this document, Bates labeled Johnson 00037?</p> <p>2 MR. KOPPENHOEFER: He wants to know</p> <p>3 if you recognize the form, or this document.</p> <p>4 BY MR. TRUBAC:</p> <p>5 Q Yes. You had mentioned that your</p> <p>6 signature is on the bottom of the second page?</p> <p>7 A Correct.</p> <p>8 Q Did you fill out this second page?</p> <p>9 A Yes.</p> <p>10 Q Did you also fill out this third</p> <p>11 page?</p> <p>12 A Yes. That is the one.</p> <p>13 Q So the second page and third page are</p> <p>14 all part of the same document?</p> <p>15 A Yes.</p> <p>16 Q Is there any reason why the intake</p> <p>17 would be done by both a registered nurse,</p> <p>18 which is on the first page, and then --</p> <p>19 A This is the nurse, when they start</p> <p>20 the screening process -- because she get the</p> <p>21 history, and they report the history here,</p> <p>22 like high blood pressure and seizure, and this</p> <p>23 is the type of patient we have to see right</p> <p>24 away after the screening process.</p>	<p style="text-align: right;">Page 43</p> <p>1 wound?</p> <p>2 A Gunshot wound in the back.</p> <p>3 Q And I think it says in the back of</p> <p>4 head?</p> <p>5 A In the back and head.</p> <p>6 Q And it looks like slash 90.</p> <p>7 Do you understand that to mean</p> <p>8 1990's?</p> <p>9 A Correct.</p> <p>10 Q And right underneath that it says HX</p> <p>11 of being beaten in the head with baseball</p> <p>12 bat.</p> <p>13 Does HX mean history?</p> <p>14 A Yes.</p> <p>15 Q And under recent drug, slash, ETH</p> <p>16 use, it says HX of seizures due to alcohol</p> <p>17 use.</p> <p>18 Does that mean history of</p> <p>19 seizures due to alcohol use?</p> <p>20 A Correct.</p> <p>21 Q And then under behavioral,</p> <p>22 appearance, under the objective of the form,</p> <p>23 near the middle, where it says behavioral,</p> <p>24 appearance, hearing loss, mental status,</p>
<p style="text-align: right;">Page 42</p> <p>1 Q So this first page is like an initial</p> <p>2 screening?</p> <p>3 A Right, but for the nurse.</p> <p>4 Q And then if -- because of what is</p> <p>5 written on this form, it looks like he needs</p> <p>6 to be seen right away, meaning he needs to be</p> <p>7 seen by a medical doctor?</p> <p>8 A Yes.</p> <p>9 Q So would you review this first form</p> <p>10 before then filling out these second two</p> <p>11 pages?</p> <p>12 A Yes.</p> <p>13 Q So I know that you didn't complete</p> <p>14 the first form, but my knowledge of medical</p> <p>15 acumen is not so great.</p> <p>16 On the first page, do you see</p> <p>17 where it says surgeries in the middle of the</p> <p>18 page?</p> <p>19 A Gunshot wound --</p> <p>20 MR. KOPPENHOEFER: Wait for the</p> <p>21 question.</p> <p>22 BY MR. TRUBAC:</p> <p>23 Q It says GSW in back, I think.</p> <p>24 Does GSW stand for gunshot</p>	<p style="text-align: right;">Page 44</p> <p>1 trauma and skin condition, it says, needs</p> <p>2 glasses, and no open skin areas present; is</p> <p>3 that correct?</p> <p>4 I know you didn't write that.</p> <p>5 MR. KOPPENHOEFER: He is talking</p> <p>6 about right here (indicating).</p> <p>7 THE WITNESS: It says needs glasses.</p> <p>8 MR. KOPPENHOEFER: Zero.</p> <p>9 THE WITNESS: No open wound. .</p> <p>10 MR. KOPPENHOEFER: In other words,</p> <p>11 that's a zero in front.</p> <p>12 THE WITNESS: No open wounds.</p> <p>13 MR. KOPPENHOEFER: All right.</p> <p>14 BY MR. TRUBAC:</p> <p>15 Q And then under assessment on the</p> <p>16 third line, it says -- has something of</p> <p>17 seizures and then it looks like HTN.</p> <p>18 Is that hypertension?</p> <p>19 A Hypertension. HTN.</p> <p>20 Q And then the next line?</p> <p>21 A See above notes.</p> <p>22 Q Thank you. You can read this way</p> <p>23 better than I can.</p> <p>24 Let's move to the second page</p>

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<p style="text-align: right;">Page 45</p> <p>1 then. So my understanding is you filled out 2 this second and third page after reviewing the 3 first page, correct? 4 A Correct. 5 Q Now, I see a bunch of handwritten 6 notes that look like they say WNL. Is that 7 within normal limits? 8 A Correct. Within normal limits. 9 Q Under lungs and chest, including 10 breast, CTA, what does that stand for? 11 A Clear to auscultation. Clear to 12 auscultation when you try to hear the lungs. 13 Q And then under assessment, can you 14 read us what your notes say? 15 A No known allergy. Ethanol and drug 16 abuse. Self-reported back pain. History of 17 seizure disorder secondary to ethanol abuse. 18 No medication taken. History of high blood. 19 No other problem at this time. 20 Q And then on the third page on the 21 bottom, do you see where it says past 22 hospitalizations on the bottom? Do you see 23 that? 24 A Right. I see it.</p>	<p style="text-align: right;">Page 47</p> <p>1 BY MR. TRUBAC: 2 Q Right. 3 Do they get filed in the 4 healthcare unit or something? 5 A Yes. 6 Q Do you have access to the papers 7 after they are filed? 8 A We have access. 9 Q So if an inmate is taken to the 10 healthcare unit, you mentioned that normally 11 you wouldn't be able to -- normally you don't 12 see a document like this before you examine a 13 patient, correct? 14 MR. KOPPENHOEFER: Well, that was 15 when they were brought down for an injury. 16 MR. TRUBAC: I'm sorry. I will 17 clarify. 18 Q You said before if an inmate is 19 brought into the healthcare unit for an injury 20 and they need to be seen by a physician right 21 away, normally you wouldn't see this type of 22 report? 23 A Not normally we don't. 24 Q But you have access to it?</p>
<p style="text-align: right;">Page 46</p> <p>1 Q You have to answer. 2 Did you also fill out this 3 section right here? 4 A Yes. I asked him these questions. 5 Q And so tell me if I am incorrect, but 6 this says diagnosis, gunshot wound to head and 7 back? 8 A Back and head. 9 Q In the 1990's. 10 Then another diagnosis for head 11 trauma; and, what is that? 12 A Secondary to accident. 13 Q Also in the 1990's. 14 Okay. What would happen to this 15 intake form after you filled it out? 16 A After we fill this out, then he would 17 be followed. In case they get another 18 problem, they go for sick call. 19 Q What would happen to this form? 20 Where would it be stored? 21 A We just deliver the medication so -- 22 MR. KOPPENHOEFER: He wants to know 23 what happens to the papers. 24</p>	<p style="text-align: right;">Page 48</p> <p>1 A We have access. 2 Q How long would it take to find this 3 report? 4 A I really don't know. 5 MR. TRUBAC: Okay. 6 Let's move on to -- we will mark 7 Exhibit 3, and then I will ask you to take a 8 look at it and see if you recognize it. 9 (Document marked Exhibit 3 10 for Identification.) 11 BY MR. TRUBAC: 12 Q Take a look at this document and tell 13 me if you recognize it. 14 A Yes. 15 Q What is this? 16 A This is my penmanship. I see him 17 after he get into a fight with his cellmate. 18 Q This is your report of Cedric 19 Johnson, the Plaintiff, after he was taken to 20 the healthcare unit after his reported fight 21 with his cellmate; is that correct? 22 A I didn't get your -- 23 Q Sure. 24 Am I correct that this is your</p>

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<p style="text-align: right;">Page 49</p> <p>1 notes of your examination of the Plaintiff, 2 Cedric Johnson, after you examined him at the 3 healthcare unit on March 10, 2014, after his 4 fight with his cellmate? 5 A Correct. 6 Q That's correct? 7 A Yes. 8 Q Okay. Just to clarify, I think in 9 the answer to your interrogatories, you 10 certified that your signature is at the bottom 11 of this page. I think it might be that 12 scribble; is that correct? 13 A Yes. That's my scribble. 14 Q And I believe there is another 15 signature underneath that. It looks like it 16 is signed by a CMT, certified medical 17 technician? 18 A Probably. 19 Q Are these forms always signed by more 20 than one person? 21 A My signature? 22 Q No. You fill out this form and you 23 sign it? 24 A Correct.</p>	<p style="text-align: right;">Page 51</p> <p>1 I'm not sure what the easiest 2 way there is to read it because there are 3 three columns, so whatever way makes the most 4 sense to you, if you would read what you have 5 written here for us. 6 Take your time and speak real 7 clearly so she can get everything down. 8 MR. TRUBAC: If you can't understand 9 your own handwriting, don't make something up. 10 THE WITNESS: I saw him on 3-10 -- 11 MR. KOPPENHOEFER: Don't describe 12 it. Read it. 13 MR. TRUBAC: Why I want you to do 14 this is so we can get an understanding of what 15 this document says. So just read verbatim, 16 word for word what it says. 17 THE WITNESS: Okay. 18 S, subjective, claim had 19 altercation with his cellie this morning and 20 was hit in the face. Now claim hurt, left eye 21 and blurry. O, objective, alert, not in 22 distress. Left orbit, superficial laceration 23 noted on the -- inside the lid. Superficial 24 laceration noted on the inside of the lid,</p>
<p style="text-align: right;">Page 50</p> <p>1 Q But there are two signatures on this 2 page. 3 Are these forms always signed by 4 two people, or -- 5 A Probably one. One people. 6 Q But in this case, there happened to 7 be two? 8 A Correct. 9 MR. KOPPENHOEFER: Do you want him to 10 explain why? 11 MR. TRUBAC: If you want him to, you 12 can explain why. 13 THE WITNESS: Whenever we do 14 something, it has to be countersigned by a med 15 tech or a nurse so we can file it. 16 BY MR. TRUBAC: 17 Q So it's really for filing purposes? 18 A Correct. 19 Q I apologize, but I am going to ask 20 you to just read out just because it is 21 difficult to read the handwriting. 22 MR. KOPPENHOEFER: Are you done with 23 your question? 24 MR. TRUBAC: Yes.</p>	<p style="text-align: right;">Page 52</p> <p>1 upper eye, about two to three millimeter in 2 size; two to three millimeter in size. Also 3 abrasion superior noted around the orbit. 4 Unable to check eye due to swelling. Right 5 orbit lower orbit abrasion noted; and the 6 forehead, slight swelling, no tenderness. 7 MR. TRUBAC: I'm sorry. Where was 8 that? 9 MR. KOPPENHOEFER: That is right 10 underneath the line with the O. 11 THE WITNESS: Then assessment, 12 superficial laceration slash abrasion both 13 orbit secondary to trauma. 14 BY MR. TRUBAC: 15 Q Does that conclude this column? 16 A Right. 17 Q And I guess, before you continue, so 18 on the left column where it says date and 19 time, 3-10-2014, then it says 8:10 a.m., is 20 that 8:10 in the morning? 21 A Yes. 8:10 in the morning. 22 Q Would that be when you were examining 23 Mr. Johnson, the Plaintiff? 24 A Yes.</p>

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<p style="text-align: right;">Page 53</p> <p>1 Q Looks like there was a blood pressure 2 reading and something else and underneath that 3 it says 12-18. What is 12-18? 4 A I think that could be respirations. 5 Q I am glad you are here to decipher 6 for us. 7 So can you read the third 8 column, plans? 9 A Plan is call IA, Internal Affairs. 10 X-ray, skull x-ray, and x-ray of left orbit. 11 We ordered bloodwork, RPR, 12 protein profile and HIV and tetanus 13 toxoid, IM stat. Then Neosporin slash 14 Polysporin slash Bacitracin Ointment, apply to 15 the left eye two times a day for five days was 16 given. Then follow-up two day slash PRN. 17 Q What is PRN? 18 A Whenever he -- 19 Q Oh, yes, you said that before. 20 A Ice compress, Tylenol 325, two 21 tablets every four to six hours, number 16 22 given. 23 Q So my understanding is that -- from 24 your notes is that you were unable to check</p>	<p style="text-align: right;">Page 55</p> <p>1 hard to examine the eye. 2 Q So am I correct that it is likely 3 that his eyes -- left eye, or whichever eye 4 was so swollen that it was difficult to open 5 the eye to examine it? 6 A It's possible. 7 Q Is it likely? 8 A Probable. 9 Q But in any respect, you weren't able 10 to examine the actual eye during this 11 examination? 12 A Correct. 13 Q So when you ordered the follow-up 14 after two days, how does that work, scheduling 15 the follow-up visit? 16 A We have a system where we will see 17 them the following day up to two weeks later, 18 so we see them. 19 Q The follow-up after two days, is that 20 a follow-up with medical doctor, or might it 21 just -- 22 A Any provider. Either me or the PA. 23 Q So it could be a physician's 24 assistant. Could it be a registered nurse?</p>
<p style="text-align: right;">Page 54</p> <p>1 Mr. Johnson's eyes because of the swelling, 2 correct? 3 A Correct. 4 Q So the plan was to have him follow-up 5 after two days, and you prescribed -- I think 6 you said -- was it Tylenol? 7 A Tylenol. 8 Q And also ointment to -- eye ointment 9 to apply to his left eye? 10 A Yes. 11 Q And what was the purpose for the 12 ointment? 13 A Just for the abrasion to the eye, the 14 abrasion or the cut. 15 Q Do you see where Mr. Johnson 16 complained of his left eye was blurry? 17 A That's what he said. 18 Q Underneath you said that you were 19 unable to check eyes. 20 When you say unable to check 21 eyes, I know that you mentioned you saw 22 lacerations on the eyelid. What does it mean 23 unable to check eyes? 24 A Because of the swelling eye, it was</p>	<p style="text-align: right;">Page 56</p> <p>1 A Or nurse practitioner? 2 Q So it has to be at least a nurse 3 practitioner, or a physician's assistant? 4 A Or me. 5 Q Or you. 6 Are there any times when do you 7 an examination and you order a follow-up, and 8 you make sure that you are the one who does 9 the follow-up examination as opposed to a 10 nurse practitioner or physician assistant? 11 A Well, since there are three of us, 12 anybody can see them. If they have any 13 question, they can ask us. 14 Q I know that this was a number of 15 years ago, but given that Mr. Johnson 16 complained of his left eye was blurry and then 17 you were unable to check his left eye because 18 of the swelling, given the trauma to his eye, 19 is it possible -- I'm not asking you to draw 20 any conclusions as to this particular case -- 21 but is it possible that there could have been 22 serious injury to the eye that you couldn't 23 see because he couldn't open the eye? 24 A It's possible.</p>

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<p style="text-align: right;">Page 57</p> <p>1 MR. KOPPENHOEFER: Objection, 2 foundation, incomplete hypothetical; also, 3 speculation. 4 THE WITNESS: It's possible. 5 BY MR. TRUBAC: 6 Q Is it -- in your knowledge as a 7 medical doctor, is it possible for someone to 8 develop symptoms -- is it possible for trauma 9 to the eye to be so serious that it causes 10 something like blindness or cataracts maybe or 11 something like that? 12 A I don't know. 13 Q You don't know? 14 A I don't know. 15 Q Is that because you are not an 16 ophthalmologist, or just because -- 17 A I really don't know. I really can't 18 answer. 19 Q Do you ever order a follow-up -- do 20 you ever refer out an inmate for a follow-up 21 with a doctor who specializes in a certain 22 area? 23 So say in this case, you were 24 unable to check Mr. Johnson's eyes because of</p>	<p style="text-align: right;">Page 59</p> <p>1 injury. 2 Q So even though you couldn't examine 3 the eye -- 4 A Yes. 5 Q So the swelling in the eye which 6 meant that you couldn't check it, that was 7 considered superficial. 8 MR. KOPPENHOEFER: Objection. 9 Argumentative. You can answer over his 10 objection. Go ahead. 11 THE WITNESS: Swelling meant -- just 12 like the eye -- like you cover the eye. You 13 could not see the eye socket because of the 14 impact, the injury. 15 MR. TRUBAC: This would be 16 Exhibit 4. 17 (Document marked Exhibit 4 18 for Identification.) 19 BY MR. TRUBAC: 20 Q Take a look at this document and let 21 me know do you recognize the document? 22 A Yes. 23 Q What is this? 24 A This is the x-ray I ordered of the</p>
<p style="text-align: right;">Page 58</p> <p>1 swelling, and you noted that he should have 2 additional follow-up after two days. 3 Would you ever because of the 4 nature of the injury, the eye injury, would 5 you order a follow-up with an ophthalmologist? 6 A Yes. 7 MR. KOPPENHOEFER: Object to 8 foundation. Calls for speculation, and it 9 assumes facts not in evidence. 10 MR. TRUBAC: You can answer. 11 THE WITNESS: Yes. 12 BY MR. TRUBAC: 13 Q So in this case, where it says 14 follow-up after two days, was there a -- in 15 your experience as a doctor, would this be a 16 case where you would refer out Mr. Johnson to 17 be seen by an ophthalmologist because of the 18 injury to his eye? 19 MR. KOPPENHOEFER: Same objection. 20 THE WITNESS: Not at the time that I 21 saw him. 22 BY MR. TRUBAC: 23 Q And why is that? 24 A Because it was only a superficial</p>	<p style="text-align: right;">Page 60</p> <p>1 left orbit. 2 Q And that means for the left eye? 3 A Yes. 4 Q And I think this is the x-ray that 5 was ordered, and this x-ray was mentioned 6 specifically in Exhibit 3, under plan, 7 correct? 8 A Yes. 9 Q So this is the x-ray -- 10 A Result. 11 Q Result. 12 And under referring physician on 13 the bottom, is that your signature, your name 14 and signature? 15 A Correct. 16 Q Did you fill out this form? 17 A I filled out this form. 18 Q And so same thing again because it is 19 difficult for me to read your handwriting. 20 This is the patient's name, Cedric Johnson. 21 Can you just read from examination requested 22 down? 23 MR. KOPPENHOEFER: Just to clarify, 24 the report part is by a different physician.</p>

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<p style="text-align: right;">Page 61</p> <p>1 Do you know what I mean?</p> <p>2 MR. TRUBAC: Let me ask the doctor.</p> <p>3 BY MR. TRUBAC:</p> <p>4 Q So you signed this form at the</p> <p>5 bottom, correct?</p> <p>6 A Correct.</p> <p>7 Q The rest of the form, patient name,</p> <p>8 offender number, examination requested,</p> <p>9 history of symptoms report, did you also fill</p> <p>10 out that as well, or is that filled out by</p> <p>11 someone else?</p> <p>12 A I filled out the history and</p> <p>13 symptoms.</p> <p>14 Q Underneath that where it says report,</p> <p>15 that was filled out by someone else?</p> <p>16 A That is the specialist, the</p> <p>17 radiologist.</p> <p>18 Q Can you -- so request date, March 10,</p> <p>19 2014, can you read to us history slash</p> <p>20 symptoms, what that says?</p> <p>21 A Superficial abrasion, laceration,</p> <p>22 left orbit, trauma of the forehead.</p> <p>23 Q Trauma of the forehead?</p> <p>24 A Trauma, yeah, forehead.</p>	<p style="text-align: right;">Page 63</p> <p>1 his head?</p> <p>2 A I don't understand.</p> <p>3 Q So when you said because of the</p> <p>4 history of trauma, how did you know there was</p> <p>5 a history of trauma?</p> <p>6 A He was involved in a fight.</p> <p>7 Q My understanding of a history of</p> <p>8 trauma means there were events in the past</p> <p>9 that also --</p> <p>10 MR. KOPPENHOEFER: History means five</p> <p>11 minutes ago.</p> <p>12 MR. TRUBAC: Is that right?</p> <p>13 THE WITNESS: Yes.</p> <p>14 BY MR. TRUBAC:</p> <p>15 Q So history of trauma doesn't</p> <p>16 necessarily mean, you know, like --</p> <p>17 A Ten years ago.</p> <p>18 Q Okay.</p> <p>19 So history of trauma could mean</p> <p>20 this specific incident?</p> <p>21 A Correct.</p> <p>22 Q So the -- do you order -- would you</p> <p>23 see this report after it was completed, after</p> <p>24 Mr. Johnson had the x-ray taken?</p>
<p style="text-align: right;">Page 62</p> <p>1 Q And then the report, that was filled</p> <p>2 out by someone else, correct?</p> <p>3 A Yes. The radiologists write their</p> <p>4 report.</p> <p>5 Q So I know that you didn't fill this</p> <p>6 out; but, again, GSW, I am assuming that means</p> <p>7 gunshot wound?</p> <p>8 A Correct.</p> <p>9 Q And then the R that is circled, do</p> <p>10 you have an understanding of what that means?</p> <p>11 A That is --</p> <p>12 Q If you don't --</p> <p>13 A Right occipital area.</p> <p>14 Q Let me ask you this.</p> <p>15 What made you order this x-ray?</p> <p>16 You examined Mr. Johnson and one of the things</p> <p>17 you ordered was an x-ray.</p> <p>18 A Because of the history of trauma of</p> <p>19 the face and the forehead. Because of the</p> <p>20 history of trauma. That's why I have to order</p> <p>21 this thing.</p> <p>22 Q So history of trauma, you are</p> <p>23 referring to what Mr. Johnson told you during</p> <p>24 the examination of the history of trauma to</p>	<p style="text-align: right;">Page 64</p> <p>1 A I did not see this report after it</p> <p>2 was completed.</p> <p>3 Q Was it just filed away?</p> <p>4 A Somebody saw it. I don't know who it</p> <p>5 was.</p> <p>6 Q Would someone other than the</p> <p>7 technician who filled this out, would someone</p> <p>8 then read this report?</p> <p>9 A Someone would read the report.</p> <p>10 Q And if they noticed something, if</p> <p>11 they noticed something -- all right. Okay.</p> <p>12 So you wouldn't see this</p> <p>13 completed form after it was filled out?</p> <p>14 A I never see it.</p> <p>15 Q So you order the x-ray and fill out</p> <p>16 the history and symptoms, and then you don't</p> <p>17 see this form again, correct?</p> <p>18 A Correct.</p> <p>19 Q Is there a reason -- I apologize if I</p> <p>20 am asking the same question I asked before,</p> <p>21 but is there a reason why after you order an</p> <p>22 x-ray you wouldn't then look -- you personally</p> <p>23 then wouldn't look at the result?</p> <p>24 A There are two doctors. Whoever is</p>

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<p style="text-align: right;">Page 65</p> <p>1 available can sign the x-rays. Whoever is 2 available. 3 Q So it's possible that you would be 4 the doctor who would look at this after 5 follow-up, but it is also possible it could be 6 someone else; is that correct? 7 A Correct. 8 MR. TRUBAC: I have one more exhibit. 9 Mark this as 5. 10 Take a look at this document and 11 let me know when you are finished reading it. 12 (Document marked Exhibit 5 13 for Identification.) 14 BY MR. TRUBAC: 15 Q You have reviewed it? 16 A I haven't read it. 17 Q But you have looked at the document? 18 A Correct. 19 Q Is your signature on this document? 20 Did you fill out this document? 21 A No. 22 Q So do you recognize any of the 23 signatures on the bottom of this page? 24 A I'm not very sure.</p>	<p style="text-align: right;">Page 67</p> <p>1 report and then there is a follow-up report, 2 what generally happens to the follow-up 3 report? They are just placed in the file for 4 the inmate? 5 A Yes. 6 Q Is there -- is there any either 7 procedure, or regulation, or something like 8 that where you who is the first person who 9 sees an inmate and fills out the initial form 10 we just looked at and then orders a follow-up, 11 do you ever review the follow-up notes since 12 you were the doctor who initially saw and 13 examined the patient? 14 A No. 15 Q And why not? 16 A Because as I said again, for 17 follow-up, any provider can see him unless the 18 guy who see him ask a question. Then I will 19 talk to him. 20 Q As a medical doctor -- when you were 21 in your private practice in the south side in 22 the -- was it the 1970's to the 1980's? 23 A 1979 to 2001. 24 Q Was it just you, or were there other</p>
<p style="text-align: right;">Page 66</p> <p>1 Q It looks like this was filled out on 2 March 14, 2014, correct? 3 A Correct. 4 Q And PA note, I am assuming, means 5 physician assistant? 6 A Correct. 7 Q So this looks to me to be notes from 8 a follow-up visit of Mr. Johnson after he had 9 the fight on the 10th? 10 A Correct. 11 Q And I think you said earlier that you 12 would have ordered a follow-up visit within 13 two days and that follow-up could have been 14 with anyone who was available at that time? 15 A Correct. 16 Q And so in this case, it looks like it 17 was a physician's assistant who saw 18 Mr. Johnson? 19 A Correct. 20 Q Dr. Aguinaldo, have you ever -- have 21 you ever seen this document before prior to 22 today? 23 A No. 24 Q So after you fill out the initial</p>	<p style="text-align: right;">Page 68</p> <p>1 doctors in the practice? 2 A I was the only physician. 3 Q And just to reiterate, you are a 4 general practitioner. You don't have any -- 5 you're not a specialist in any area, correct? 6 A Correct. 7 MR. TRUBAC: That's all I've got. 8 MR. KOPPENHOEFER: Let's take a quick 9 break. Let's go off the record for a second. 10 (Brief recess.) 11 MR. KOPPENHOEFER: Back on the 12 record. 13 E X A M I N A T I O N 14 BY MR. KOPPENHOEFER: 15 Q Doctor, turning to Exhibit 2, you saw 16 this gentleman when he came into the NRC on 17 March 4, 2014, true? 18 A True. 19 Q And you prescribed some medication 20 for him at that time? 21 A Correct. 22 Q What did you prescribe for him? 23 A Norvasc, Metoprolol, Lisinopril, and 24 Doxazosin.</p>

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<p style="text-align: right;">Page 69</p> <p>1 Q And what is this?</p> <p>2 A Low bunk permit.</p> <p>3 Q And you gave him a permit to be on a</p> <p>4 low bunk?</p> <p>5 A Permit.</p> <p>6 Q Now, the nurse does her own form, but</p> <p>7 she reports some different things, too,</p> <p>8 correct?</p> <p>9 A Correct.</p> <p>10 Q She reported that he had 2300 vision</p> <p>11 in both eyes, correct?</p> <p>12 A That's correct.</p> <p>13 Q And he needs glasses?</p> <p>14 A Correct.</p> <p>15 Q Now, 2300 vision is poor, true?</p> <p>16 A True.</p> <p>17 Q And then your next interaction with</p> <p>18 this gentleman would have been on March 10,</p> <p>19 2014, true?</p> <p>20 A True.</p> <p>21 Q And that is when he was brought into</p> <p>22 the healthcare unit based on an acute incident</p> <p>23 when he was hit several times by his cellmate,</p> <p>24 right?</p>	<p style="text-align: right;">Page 71</p> <p>1 the skull and the orbit, right?</p> <p>2 A Correct.</p> <p>3 Q And you were shown that earlier, the</p> <p>4 requisition and the report are included in</p> <p>5 Exhibit 4, true?</p> <p>6 A True.</p> <p>7 Q And the radiologist who interpreted</p> <p>8 the x-ray on March 11 is Dr. Leef, correct?</p> <p>9 A Right.</p> <p>10 Q L-e-e-f.</p> <p>11 And he found no new pathology,</p> <p>12 true?</p> <p>13 A True.</p> <p>14 Q That means there were no acute</p> <p>15 injuries seen on those x-rays, right?</p> <p>16 A Right.</p> <p>17 MR. TRUBAC: Objection,</p> <p>18 speculation -- hearsay.</p> <p>19 BY MR. KOPPENHOEFER:</p> <p>20 Q He did, however, see fragments from a</p> <p>21 bullet in the man's head, right?</p> <p>22 A Right.</p> <p>23 MR. TRUBAC: Objection.</p> <p>24 I am just going to make a</p>
<p style="text-align: right;">Page 70</p> <p>1 A Right.</p> <p>2 Q And you described to us earlier as in</p> <p>3 that particular situation the medical chart</p> <p>4 would not be there with him, true?</p> <p>5 A True.</p> <p>6 Q At that time, there was no apparent</p> <p>7 injury to the eye itself, true?</p> <p>8 A True.</p> <p>9 Q Nevertheless, you observed some</p> <p>10 superficial injuries to the orbits. That</p> <p>11 means the bones around the eyes, right?</p> <p>12 A Yes.</p> <p>13 Q Well, the skin that covers the bones</p> <p>14 around the eyes, correct?</p> <p>15 A Correct.</p> <p>16 Q And you saw some abrasions and some</p> <p>17 swelling, right?</p> <p>18 A Correct.</p> <p>19 Q You could see the eye, but you</p> <p>20 couldn't open up the eye all the way because</p> <p>21 of the swelling; is that right?</p> <p>22 A Correct.</p> <p>23 Q Now to further investigate the</p> <p>24 possibility of injury, you ordered an x-ray of</p>	<p style="text-align: right;">Page 72</p> <p>1 blanket hearsay objection to anything that the</p> <p>2 specialist or the doctor found.</p> <p>3 MR. KOPPENHOEFER: Off the record.</p> <p>4 (Discussion off the record.)</p> <p>5 BY MR. KOPPENHOEFER:</p> <p>6 Q And to further evaluate, you asked a</p> <p>7 follow-up appointment be scheduled in two days</p> <p>8 or as needed, correct?</p> <p>9 A Correct.</p> <p>10 Q Meaning that Mr. Johnson could come</p> <p>11 in earlier, if his symptoms got worse, true?</p> <p>12 A Correct.</p> <p>13 Q And the purpose of that was to take</p> <p>14 another look at him after the swelling had</p> <p>15 gone down, right?</p> <p>16 A Correct.</p> <p>17 Q To see if his symptoms had improved,</p> <p>18 stayed the same, or gotten worse, correct?</p> <p>19 A Correct.</p> <p>20 Q You also ordered an ice compress for</p> <p>21 him, right?</p> <p>22 A Correct.</p> <p>23 Q That is to help the swelling resolve?</p> <p>24 A Correct.</p>

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<p style="text-align: right;">Page 73</p> <p>1 Q You also ordered Tylenol for pain?</p> <p>2 A Correct.</p> <p>3 Q And, in fact, he left the healthcare</p> <p>4 unit that day with 16 tablets, true?</p> <p>5 A Correct.</p> <p>6 Q Because of the abrasions, which is</p> <p>7 open skin, you ordered a tetanus shot and that</p> <p>8 was given to him, true?</p> <p>9 A Correct.</p> <p>10 Q Now, when your note is countersigned,</p> <p>11 that means that the nurse followed the orders,</p> <p>12 right?</p> <p>13 A Correct.</p> <p>14 Q And I have another question about the</p> <p>15 x-ray report.</p> <p>16 So referring then to Exhibit 4,</p> <p>17 in the lower right-hand corner there is</p> <p>18 somebody's initials and the date of March 11,</p> <p>19 2014, right?</p> <p>20 A Right.</p> <p>21 Q That means some other doctor reviewed</p> <p>22 that, right?</p> <p>23 A Correct.</p> <p>24 Q In other words, Dr. Leef issued his</p>	<p style="text-align: right;">Page 75</p> <p>1 A True.</p> <p>2 Q And he is seen by a physician</p> <p>3 assistant, right?</p> <p>4 A Right.</p> <p>5 Q And that is consistent with your</p> <p>6 plan, right?</p> <p>7 A Correct.</p> <p>8 Q That physician assistant also made</p> <p>9 some orders for him, true?</p> <p>10 A Correct.</p> <p>11 Q And, by the way, a physician</p> <p>12 assistant makes orders just like a doctor,</p> <p>13 right?</p> <p>14 A Correct.</p> <p>15 Q The only difference is she is working</p> <p>16 under the supervision of a doctor?</p> <p>17 A Correct.</p> <p>18 Q Do you know who the supervising</p> <p>19 physician is?</p> <p>20 A I don't know.</p> <p>21 Q So she ordered Metoprolol?</p> <p>22 A Correct.</p> <p>23 Q Naprosyn?</p> <p>24 A Correct.</p>
<p style="text-align: right;">Page 74</p> <p>1 interpretation, and this was seen and signed</p> <p>2 off on by a doctor at the healthcare unit?</p> <p>3 A Correct.</p> <p>4 Q You don't recognize those initials;</p> <p>5 is that true?</p> <p>6 A No.</p> <p>7 Q But that's what that means; is that</p> <p>8 correct?</p> <p>9 A Yes.</p> <p>10 Q By the way, the staff in the</p> <p>11 healthcare unit operate as a team; is that</p> <p>12 correct?</p> <p>13 A Correct.</p> <p>14 Q So you don't have your own individual</p> <p>15 patients that are permanently assigned to you</p> <p>16 in the prison; is that true?</p> <p>17 A Correct.</p> <p>18 Q One doctor, physician assistant,</p> <p>19 nurse, picks up on what you have both done and</p> <p>20 anybody can take over on a particular day?</p> <p>21 A Correct.</p> <p>22 Q Now, then the patient is scheduled</p> <p>23 for the follow-up as you requested, and he</p> <p>24 comes in on March 14, 2014, true?</p>	<p style="text-align: right;">Page 76</p> <p>1 Q And Naprosyn is an anti-inflammatory?</p> <p>2 A Correct.</p> <p>3 Q And that is used to reduce pain?</p> <p>4 A Correct.</p> <p>5 Q And swelling perhaps?</p> <p>6 A Correct.</p> <p>7 Q And she also asked for a follow-up</p> <p>8 with optometry, correct?</p> <p>9 A Correct.</p> <p>10 Q And she put in parenthesis here</p> <p>11 Stateville; and, that means over here?</p> <p>12 A Probably over here.</p> <p>13 Q And what did you call that again?</p> <p>14 A Stateville proper.</p> <p>15 Q So there is an optometrist that works</p> <p>16 here, right?</p> <p>17 A Correct.</p> <p>18 Q Now, in her notes, the physician</p> <p>19 assistant has got S slash R improving, right?</p> <p>20 Do you see that?</p> <p>21 A That's what she said.</p> <p>22 Q And that means the patient has</p> <p>23 self-reported that his eye condition is</p> <p>24 improving; is that true?</p>

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<p style="text-align: right;">Page 77</p> <p>1 A True.</p> <p>2 Q So, presumably, four days later now,</p> <p>3 the swelling has eased somewhat, and she is</p> <p>4 able to get a better look at his eye; is that</p> <p>5 right?</p> <p>6 A Possible.</p> <p>7 Q By the way, if you had asked somebody</p> <p>8 else to take a look at Mr. Johnson on</p> <p>9 March 10, they would have encountered the same</p> <p>10 situation as you did where it was hard to get</p> <p>11 his eyes all the way open because of the</p> <p>12 swelling, right?</p> <p>13 A Yes.</p> <p>14 Q When you saw Mr. Johnson on March 10,</p> <p>15 did he complain of spots in his vision?</p> <p>16 A Repeat the question.</p> <p>17 Q When you saw Mr. Johnson on March 10,</p> <p>18 did he complain of spots in his vision?</p> <p>19 A No. Not according to my note.</p> <p>20 Q If he had, you would have documented</p> <p>21 it, right?</p> <p>22 A Correct.</p> <p>23 Q Did he complain of headaches to you</p> <p>24 on that date?</p>	<p style="text-align: right;">Page 79</p> <p>1 and somebody fills out a pass to have him</p> <p>2 brought down to the healthcare unit, correct?</p> <p>3 A True.</p> <p>4 Q There is pharmacy personnel that</p> <p>5 fills out the prescriptions, right?</p> <p>6 A Right.</p> <p>7 Q There are nurses that administer the</p> <p>8 medications, right?</p> <p>9 A True.</p> <p>10 Q Once you enter those orders, it is</p> <p>11 your anticipation that those orders will be</p> <p>12 carried out, true?</p> <p>13 A Correct.</p> <p>14 Q I want to clear something up.</p> <p>15 When someone comes down to the</p> <p>16 healthcare unit, they don't always need to be</p> <p>17 seen by a medical doctor, true?</p> <p>18 A True.</p> <p>19 Q Some conditions, for example, if a</p> <p>20 patient appears to have a cold, might be</p> <p>21 handled by a nurse, right?</p> <p>22 A Correct.</p> <p>23 Q The physician assistant we already</p> <p>24 talked about operates almost at essentially at</p>
<p style="text-align: right;">Page 78</p> <p>1 A He didn't say anything about</p> <p>2 headaches according to my note.</p> <p>3 Q Did you have any ill will toward</p> <p>4 Mr. Johnson?</p> <p>5 A No, sir.</p> <p>6 Q Do you now?</p> <p>7 A No, sir.</p> <p>8 Q Do you have any desire to punish</p> <p>9 Mr. Johnson?</p> <p>10 A No, sir.</p> <p>11 Q By the way, as far as you know,</p> <p>12 March 10, 2014, is the last time you had any</p> <p>13 involvement in the care of Mr. Johnson, true?</p> <p>14 A True.</p> <p>15 Q When you issued your orders on that</p> <p>16 day, you would have been relying on other</p> <p>17 medical staff personnel to carry out those</p> <p>18 orders and plans, true?</p> <p>19 A True.</p> <p>20 Q In terms of scheduling the follow-up</p> <p>21 appointment, there are people that handle</p> <p>22 scheduling, true?</p> <p>23 A Correct.</p> <p>24 Q Someone puts him on a list to be seen</p>	<p style="text-align: right;">Page 80</p> <p>1 the same level as a physician, right?</p> <p>2 A Correct.</p> <p>3 Q She can prescribe medication, right?</p> <p>4 A Correct.</p> <p>5 Q Same with a nurse practitioner,</p> <p>6 right?</p> <p>7 A Correct.</p> <p>8 Q When you see patients, it is</p> <p>9 basically because they are brought in to see</p> <p>10 you by a nurse who has triaged the patient or</p> <p>11 because they are on a schedule that someone</p> <p>12 has put them on to be seen by you, right?</p> <p>13 A Right.</p> <p>14 Q Doctors don't go through the medical</p> <p>15 records storage room looking through files, do</p> <p>16 they?</p> <p>17 A No.</p> <p>18 Q That was true basically -- that was</p> <p>19 basically true in practice inside the prison</p> <p>20 and outside of the prison, correct?</p> <p>21 A Right.</p> <p>22 MR. TRUBAC: Objection, speculation.</p> <p>23</p> <p>24</p>

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<p style="text-align: right;">Page 81</p> <p>1 BY MR. KOPPENHOEFER:</p> <p>2 Q When a patient comes in for an</p> <p>3 appointment, there are staff members who</p> <p>4 typically have the chart available and bring</p> <p>5 it in for the doctor to see, correct?</p> <p>6 A Correct.</p> <p>7 Q When the patient comes into the</p> <p>8 emergency room, because of the emergent nature</p> <p>9 of their arrival that often is not there,</p> <p>10 right?</p> <p>11 A Correct.</p> <p>12 Q When you saw Mr. Johnson on March 10,</p> <p>13 2014, in your judgment there was no need for</p> <p>14 an additional referral beyond all the orders</p> <p>15 that you entered on that day, true?</p> <p>16 A True.</p> <p>17 Q You certainly weren't ruling out any</p> <p>18 sort of further injury. In fact, you were</p> <p>19 exploring the possibility of that, correct?</p> <p>20 A Correct.</p> <p>21 Q If Mr. Johnson had some lasting</p> <p>22 injury that he incurred on March 10, 2014, is</p> <p>23 it your opinion that it was caused by the</p> <p>24 fight he was in and not some failure to</p>	<p style="text-align: right;">Page 83</p> <p>1 FURTHER EXAMINATION</p> <p>2 BY MR. TRUBAC:</p> <p>3 Q So you were looking at Exhibit 3</p> <p>4 before when your counsel was asking you some</p> <p>5 questions. I believe either he or you said at</p> <p>6 the time of your report there was no apparent</p> <p>7 injury to his eye; is that correct?</p> <p>8 A Correct.</p> <p>9 Q And at the same time you said that</p> <p>10 you couldn't check his eye because it was</p> <p>11 swollen, correct?</p> <p>12 A Correct.</p> <p>13 Q And you also provided an opinion that</p> <p>14 if there was, in fact, any damage to</p> <p>15 Mr. Johnson's eye or head, stemming from the</p> <p>16 initial fight, that your opinion is that that</p> <p>17 was caused by the fight itself rather than any</p> <p>18 failure to provide medical care, correct?</p> <p>19 A Correct.</p> <p>20 Q But you also said you were not a</p> <p>21 specialist in eyes and don't really have a</p> <p>22 background as an optometrist, correct?</p> <p>23 A Correct.</p> <p>24 MR. KOPPENHOEFER: We will reserve.</p>
<p style="text-align: right;">Page 82</p> <p>1 provide care on your part?</p> <p>2 A Correct.</p> <p>3 Q And that is an opinion you hold to a</p> <p>4 reasonable degree of medical certainty, true?</p> <p>5 A Correct.</p> <p>6 Q You were asked before about an</p> <p>7 ophthalmologist, and I JUST want to be clear.</p> <p>8 It is an optometrist that is here on site,</p> <p>9 right?</p> <p>10 A Correct.</p> <p>11 Q So, typically, if a patient has an</p> <p>12 eye issue, he is seen by an optometrist,</p> <p>13 correct?</p> <p>14 A Right.</p> <p>15 Q Which in laymen's terms is an eye</p> <p>16 doctor, right?</p> <p>17 A Yes, absolutely.</p> <p>18 Q So if you are making a referral for</p> <p>19 someone to see an eye doctor, it is to an</p> <p>20 optometrist, right?</p> <p>21 A Correct.</p> <p>22 MR. KOPPENHOEFER: Nothing else.</p> <p>23 Anything?</p> <p>24 MR. TRUBAC: Just one or two.</p>	<p style="text-align: right;">Page 84</p> <p>1 MR. TRUBAC: PDF.</p> <p>2 MR. KOPPENHOEFER: I would like an</p> <p>3 E-tran with the exhibits, please.</p> <p>4 (AND FURTHER DEPONENT SAITH NOT.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>

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<p>1 STATE OF ILLINOIS)</p> <p>2) SS.</p> <p>3 COUNTY OF COOK)</p> <p>4</p> <p>5 I, RENEE C. KERR, a Certified</p> <p>6 Shorthand Reporter in and for the County of</p> <p>7 Cook and State of Illinois, do certify that</p> <p>8 heretofore on, to-wit, July 11, 2017,</p> <p>9 personally appeared before me at</p> <p>10 16830 Broadway Street, Joliet, Illinois,</p> <p>11 EVARISTO AGUINALDO, M.D., produced for</p> <p>12 examination in said cause.</p> <p>13 I further certify that the said</p> <p>14 witness, EVARISTO AGUINALDO, M.D., was by me</p> <p>15 first duly sworn to testify the truth, the</p> <p>16 whole truth and nothing but the truth in the</p> <p>17 cause aforesaid before the taking of the</p> <p>18 deposition; that the testimony was reduced to</p> <p>19 writing in the presence of said witness by</p> <p>20 means of machine shorthand and afterwards</p> <p>21 transcribed into typewriting, and that the</p> <p>22 foregoing is a true and correct transcript of</p> <p>23 the testimony given by said witness.</p> <p>24 I further certify that there were</p> <p>present at the taking of the deposition</p>	<p>1 DEPOSITION ERRATA SHEET</p> <p>2</p> <p>3</p> <p>4 Our Assignment No. J0602783</p> <p>5 Case Caption: CEDRIC LYN JOHNSON</p> <p>6 vs. EVARISTO AGUINALDO</p> <p>7</p> <p>8 DECLARATION UNDER PENALTY OF PERJURY</p> <p>9 I declare under penalty of perjury</p> <p>10 that I have read the entire transcript of</p> <p>11 my Deposition taken in the captioned matter</p> <p>12 or the same has been read to me, and</p> <p>13 the same is true and accurate, save and</p> <p>14 except for changes and/or corrections, if</p> <p>15 any, as indicated by me on the DEPOSITION</p> <p>16 ERRATA SHEET hereof, with the understanding</p> <p>17 that I offer these changes as if still under</p> <p>18 oath.</p> <p>19 Signed on the _____ day of</p> <p>20 _____, 20____.</p> <p>21</p> <p>22 _____</p> <p>23 EVARISTO AGUINALDO, M.D.</p> <p>24</p>
<p>Page 86</p> <p>1 MR. STEVEN G. TRUBAC, on behalf of the</p> <p>2 Plaintiff; and, MR. JOEL M. KOPPENHOEFER, on</p> <p>3 behalf of the Defendant.</p> <p>4 I further certify that I am not</p> <p>5 counsel for nor in any way related to any of</p> <p>6 the parties to this suit, nor am I in any way</p> <p>7 interested in the outcome thereof.</p> <p>8 I further certify that my</p> <p>9 certificate annexed hereto applies to the</p> <p>10 original and typewritten copies only, signed</p> <p>11 and certified transcripts only. I assume no</p> <p>12 responsibility for the accuracy of any</p> <p>13 reproduced copies not made under my control or</p> <p>14 direction.</p> <p>15 In testimony whereof, I have</p> <p>16 hereunto set my hand this 4th day of</p> <p>17 August, 2017.</p> <p>18</p> <p>19 </p> <p>20 _____</p> <p>21 CSR No. 084-001508</p> <p>22</p> <p>23</p> <p>24</p>	<p>Page 88</p> <p>1 DEPOSITION ERRATA SHEET</p> <p>2 Page No. _____ Line No. _____ Change to: _____</p> <p>3 _____</p> <p>4 Reason for change: _____</p> <p>5 Page No. _____ Line No. _____ Change to: _____</p> <p>6 _____</p> <p>7 Reason for change: _____</p> <p>8 Page No. _____ Line No. _____ Change to: _____</p> <p>9 _____</p> <p>10 Reason for change: _____</p> <p>11 Page No. _____ Line No. _____ Change to: _____</p> <p>12 _____</p> <p>13 Reason for change: _____</p> <p>14 Page No. _____ Line No. _____ Change to: _____</p> <p>15 _____</p> <p>16 Reason for change: _____</p> <p>17 Page No. _____ Line No. _____ Change to: _____</p> <p>18 _____</p> <p>19 Reason for change: _____</p> <p>20 Page No. _____ Line No. _____ Change to: _____</p> <p>21 _____</p> <p>22 Reason for change: _____</p> <p>23 SIGNATURE: _____ DATE: _____</p> <p>24 EVARISTO AGUINALDO, M.D.</p>

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1 DEPOSITION ERRATA SHEET
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24 EVARISTO AGUINALDO, M.D.